AND WHEREAS it had also been observed that the money received from the user agencies in cases where forest land diverted falls within protected areas, that is, the areas notified under the Wild Life (Protection) Act,1972 for undertaking activities related to protection of biodiversity or wildlife shall also be deposited in the Fund;

35 of 1972.

AND WHEREAS the Supreme Court has directed that, besides artificial regeneration (Plantations), the Fund shall also be utilised for undertaking assisted natural regeneration, protection of forests, infrastructure development, wildlife protection and other related activities and an independent system of concurrent monitoring and evaluation should be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilisation of funds;

AND WHEREAS the Supreme Court in its judgment dated 26th September, 2005 in the said Writ Petitiion observed that the Fund generated for protecting ecology and providing regeneration should not be treated as a Fund under article 266 and article 283 of the Constitution;

AND WHEREAS in its direction dated the 5th May, 2006, the Supreme Court had directed that since the Government has not constituted a Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as Authority), an *ad hoc* Authority should be constituted till the Compensatory Afforestation Fund Management and Planning Authority becomes operational and directed to centrally pool the money recovered on behalf of the said Authority lying in the States and Union territories into the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority;

AND WHEREAS Central Government formulated guidelines dated the 2nd July, 2009 on the subject of State Authority for utilisation of funds lying with the *ad hoc* Authority;

AND WHEREAS in its direction dated the 10th July, 2009, the Supreme Court had directed that the guidelines and structure of the State Authority prepared by the Central Government may be notified and implemented;

AND WHEREAS in its directions dated the 10th July, 2009, the Supreme Court further directed that till an alternative system is put in place, after obtaining permission from the Supreme Court, the money towards compensatory afforestation, net present value and protected areas (national parks, wildlife sanctuaries) shall continue to be deposited in the *ad hoc* Authority;

AND WHEREAS in compliance of the directions of the Supreme Court including its order dated the 5th May, 2006, over rupees thirty eight thousand crores as collected by the State Governments and Union territory Administrations have been placed under the *ad hoc* Authority, and deposited in the nationalised banks;

AND WHEREAS absence of permanent institutional mechanism for utilisation of funds collected by the State Governments and Union territory Administrations is the main reason for accumulation of huge unspent funds in the *ad hoc* Authority;

NOW, THEREFORE, based on the above orders, directions and observations of the Supreme Court to ensure safety, security and expeditious utilisation in a transparent manner of funds accumulated with the *ad hoc* Authority and the funds to be collected by the State Governments and Union territory Administrations, it is proposed to create a National Compensatory Afforestation Fund and a National Compensatory Afforestation Fund Management and Planning Authority at the national level, and a State Compensatory Afforestation Fund and a State Compensatory Afforestation Fund Management and Planning Authority in each State and Union territory, by an Act of Parliament.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Compensatory Afforestation Fund Act, 2016.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "*ad hoc* Authority" means the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority constituted under the order dated the 5th May, 2006 of the Supreme Court in T.N. Godavarman Thirumulpad *vs*. Union of India and Others, [Writ Petition (Civil) No. 202 of 1995];

(*b*) "Chairperson, National Authority" means the Chairperson of the governing body of the National Authority;

(*c*) "Chairperson, State Authority" means the Chairperson of the governing body of the State Authority;

69 of 1980.

(*d*) "compensatory afforestation" means afforestation done in lieu of the diversion of forest land for non-forestry use under the Forest (Conservation) Act, 1980;

(*e*) "environmental services" includes—

(*i*) provision of goods such as wood, non-timber forest products, fuel, fodder, water and provision of services such as grazing, tourism, wildlife protection and life support;

(*ii*) regulating services such as flood moderation, carbon sequestration and health of soil, air and water regimes;

(*iii*) supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production including pollination and seed dispersal;

69 of 1980.

(*f*) "Head of the regional office" means the senior-most officer appointed by the Central Government at regional office to deal with the forest conservation matters under the Forest (Conservation) Act, 1980;

(*g*) "monitoring group" means a group of experts to monitor the activities undertaken from amounts released from the National Fund and State Fund constituted under sub-section (*3*) of section 9;

(*h*) "National Authority" means National Compensatory Afforestation Fund Management and Planning Authority constituted under section 8;

(*i*) "National Fund" means the National Compensatory Afforestation Fund established under sub-section (*1*) of section 3;

(*j*) "net present value" means the quantification of the environmental services provided for the forest area diverted for non-forestry uses, as may be determined by an expert committee appointed by the Central Government from time to time in this regard;

69 of 1980.

(*k*) "penal compensatory afforestation" means afforestation work to be undertaken over and above the compensatory afforestation specified in the guidelines issued under the Forest (Conservation) Act, 1980, in lieu of the extent of area over which non-forestry activities have been carried out without obtaining prior approval of the competent authority under the Forest (Conservation) Act, 1980;

(*l*) "prescribed" means prescribed by rules made by the Central Government in consultation with the State Governments under this Act;

(*m*) "State Authority" means the State Compensatory Afforestation Fund Management and Planning Authority constituted under section 10;

(*n*) "State Fund" means the State Compensatory Afforestation Fund established by each State under sub-section (*1*) of section 4;

(*o*) "State Government" includes Union territory Administration;

(*p*) "user agency" means any person, organisation or company or department of the Central Government or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the provisions contained in the Forest (Conservation) Act, 1980 and the rules made and guidelines issued, thereunder. 69 of 1980.

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND UTILISATION OF NATIONAL COMPENSATORY AFFORESTATION FUND AND STATE COMPENSATORY AFFORESTATION FUNDS

Establishment of National Fund.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "National Compensatory Afforestation Fund" under the public account of India.

(*2*) The National Fund shall be under the control of the Central Government and managed by the National Authority in such manner as may be prescribed.

(*3*) On the date of establishment of the National Fund, all monies collected by the State Governments and Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks shall be transferred to the National Fund.

(*4*) There shall also be credited into the National Fund, by each State on yearly basis, ten per cent. of the funds realised from the user agencies in respect of the forest land diverted in their favour, which have been credited directly into the State Fund.

(*5*) There shall also be credited to the National Fund—

(*a*) grants-in-aid received, if any, by the National Authority;

(*b*) any loan taken or any borrowings made by the National Authority;

(*c*) any other sums received by the National Authority by way of benefaction, gift or donations.

(*6*) The monies received in the National Fund shall be an interest bearing fund under public accounts of India.

(*7*) The balance in the National Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

Establishment of State Fund.

4. (*1*) With effect from such date as each State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "State Compensatory Afforestation Fund-......... (name of State)" under public accounts of such State:

Provided that in case of Union territory having no legislature, such fund shall be established under the public account of Union of India with effect from such date as the Union territory Administration may, by notification in the Official Gazette, appoint in this behalf.

(*2*) The State Fund in each State shall be under the control of the State Government of such State and managed by the State Authority of such State, in such manner as may be prescribed.

(*3*) There shall be credited into the State Fund of a State—

(*i*) the unspent balance of all monies which has been transferred by *ad hoc* Authority to the State Compensatory Afforestation Compensatory Afforestation Funds

Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009;

(*ii*) all monies transferable from the National Fund under clause (*a*) of section 5;

(*iii*) all monies realised from user agencies by such State towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value, catchment area treatment plan or any money for compliance of conditions stipulated by the Central Government while according approval under the provisions of the Forest (Conservation) Act, 1980; and

69 of 1980.

(*iv*) the funds recoverable from user agencies by such State in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 18, 26A or 35 of the Wild Life (Protection) Act, 1972 for undertaking activities relating to the protection of biodiversity and wildlife.

53 of 1972.

(*4*) A State Government may also credit to the State Fund constituted by it—

(*i*) grants-in-aid received, if any, by the State Authority;

(*ii*) any loan taken or any borrowings made by the State Authority;

(*iii*) any other sums received by the State Authority by way of benefaction, gift or donations.

(*5*) The monies received in the State Fund shall be an interest bearing fund under public accounts.

(*6*) The balance in each State Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

Disbursement and utilisation of National Fund.

5. Save as otherwise provided in this Act, the monies available in the National Fund shall be disbursed and utilised in the following manner, namely:—

(*a*) ninety per cent. of the all monies collected by a State, which has been placed under the *ad hoc* Authority and the interest accrued thereon, shall be transferred to the State Fund established in such state under sub-section (*1*) of section 4;

(*b*) the balance ten per cent. of all monies collected by the States and Union territory Administrations, which has been placed under the *ad hoc* Authority and the interest accrued thereon, and all fresh accrual to the National Fund, as provided in sub-section (*4*) of section 3, and the interest accrued thereon, shall be utilised for meeting—

(*i*) the non-recurring and recurring expenditure for the management of the National Authority including the salary and allowances payable to its officers and other employees;

(*ii*) the expenditure incurred on monitoring and evaluation of works executed by the National Authority and each State Authority;

(*iii*) the expenditure incurred on specific schemes approved by governing body of the National Authority.

Explanation.—For the purposes of this section, "scheme" includes any institute, society, centre of excellence in the field of forest and wildlife, pilot schemes, standardisation of codes and guidelines and such other related activities for the forestry and wildlife sector.

Disbursement and utilisation of State Fund.

6. Save as otherwise provided in this Act, the monies available in a State Fund shall be disbursed and utilised in the following manner, namely:—

(*a*) the money received for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and

for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980; 69 of 1980.

(*b*) the monies received towards net present value and penal net present value shall be used for artificial regeneration (plantation), assisted natural regeneration, forest management, forest protection, forest and wildlife related infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities in the manner as may be prescribed;

(*c*) the interest accrued on funds available in a State Fund and the interest accrued on all monies collected by the State Governments, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks, in compliance of the directions of the Supreme Court dated the 5th May, 2006, shall be used for conservation and development of forest and wildlife in the manner as may be prescribed;

(*d*) all monies realised from the user agencies in accordance with the decision taken by the Standing Committee of the National Board for Wild Life constituted under section 5A of the Wild Life (Protection) Act, 1972 or the orders of the Supreme Court involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom shall be used exclusively for undertaking protection and conservation activities in protected areas of the State including facilitating voluntary relocation from such protected areas and in exceptional circumstance, a part of the corpus may also be used subject to prior approval of the National Authority; 35 of 1972.

(*e*) ten per cent. of amount realised from the user agencies, which has been credited directly into the State Fund in a year shall be transferred to the National Fund to meet expenditure as provided in clause (*b*) of section 5;

(*f*) the non-recurring and recurring expenditure for the management of a State Authority including the salary and allowances payable to its officers and other employees may be met from a part of the interest accrued on the amounts available in the State Fund, in the manner as may be prescribed;

(*g*) in case of trans-boundary forestry or environmental implication of diversion of forest land for non-forest purposes in a particular State, if found expedient and necessary by the National Authority, it may, in consultation with the concerned Sate Authorities order that such sum as may be justified for reparation of the trans-boundary effects, be transferred to State Fund of such State or States;

(*h*) State Authority shall release monies to agencies identified for execution of activities in pre-determined installments as per the annual plan of operation finalised by steering committee of such State Authority and executive committee of the National Authority.

Accounting procedure.

7. The accounting procedure to regulate the manner of crediting the monies to the National Fund and State Fund in a year shall be in such manner as may be prescribed.

CHAPTER III

CONSTITUTION OF NATIONAL AUTHORITY AND STATE AUTHORITIES

Constitution of National Authority.

8. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a National Authority to be called the "National Compensatory Afforestation Fund Management and Planning Authority".

(*2*) The National Authority shall manage and utilise the National Fund for the purposes of this Act.

(*3*) The National Authority shall consist of a governing body and shall be assisted by an executive committee, monitoring group and administrative support mechanism.

(*4*) The governing body of the National Authority shall consist of the following, namely:—

(*i*) Minister for Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(*ii*) Secretaries of Ministries dealing with Environment, Forest, Climate Change, Finance (Expenditure), Rural Development, Land Resources, Agriculture, Panchayati Raj, Tribal Development, Science, Technology, Space and Earth Sciences and Chief Executive Officer, National Institution for Transforming India Ayog, Government of India—Members, *ex officio*;

(*iii*) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*iv*) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*v*) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*vi*) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio;*

(*vii*) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*viii*) five Principal Chief Conservator of Forests, not more than one from each of the ten regions, to be nominated by the Ministry of Environment, Forest and Climate Change, Government of India on rotation basis for a period of two years, at a time— Members, *ex officio*;

(*ix*) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*x*) five experts, one each from environmentalists, conservationists, scientists, economists, and social scientists appointed by the Central Government for a period of two years subject to not more than two consecutive terms— Members.

(*5*) The Central Government may appoint an officer of the rank of an Additional Director General of Forests as the Chief Executive Officer of the National Authority who shall be the Member- Secretary of the governing body and the executive committee of the National Authority.

Executive committee and monitoring group of National Authority.

9. (*1*) The governing body of the National Authority shall, in performance of its functions and powers under the Act, be assisted by the executive committee and the monitoring group.

(*2*) The executive committee of the National Authority shall consist of the following, namely:—

(*i*) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(*ii*) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio;*

(*iii*) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*iv*) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*v*) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*vi*) Head of all regional offices of the Ministry of Environment, Forest and Climate Change, Government of India —Members, *ex officio;*

(*vii*) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*viii*) a professional ecologist, not being from the Central Government, to be appointed by the Central Government— Member;

(*ix*) three experts, one each in the fields of forestry, tribal development, forest economy development, not being from the Central Government, to be appointed by the Central Government— Members;

(*x*) Chief Executive Officer of the National Authority—Member-Secretary.

(*3*) The monitoring group shall consist of six experts in the field of environment, economics, wildlife, forest, remote sensing and geographical information system and social sector and the Director General, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India.

(*4*) The following officers shall be appointed by the National Authority for a period not exceeding five years, to assist the executive committee in performance of its functions and powers under the Act, namely:—

(*i*) Joint Chief Executive Officer of the rank of Inspector General of Forests;

(*ii*) Financial Advisor and Chief Accounts Officer of the rank of Director in the Government of India; and

(*iii*) Deputy Chief Executive Officers of the rank of Deputy Inspector General of Forests.

(*5*) The governing body of the National Authority may with the prior concurrence of the Central Government create posts in the National Authority at the level of Assistant Inspector General of Forests and other officials to assist the executive committee and monitoring group in performance of its functions under the Act.

Constitution of State Authority.

10. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a State Authority to be called the "State Compensatory Afforestation Fund Management and Planning Authority" in each State.

(*2*) The Central Government may, if so desires, appoint different dates for constitution of State Authority in each of the States.

(*3*) The State Authority constituted in a State shall be responsible for the management of the State Fund of such State and its utilisation for the purposes of the Act.

(*4*) The State Authority shall consist of a governing body and shall be assisted by a steering committee and an executive committee.

(*5*) The governing body of a State Authority shall consist of the following, namely:—

(*i*) Chief Minister of the State and in case of a Union territory having no legislature, the Lieutenant Governor or the Administrator, as the case may be—Chairperson, *ex officio*;

(*ii*) Minister of Forests—Member, *ex officio*;

(*iii*) Chief Secretary—Member, *ex officio*;

(*iv*) Principal Secretaries of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*v*) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;

(*vi*) Chief Wildlife Warden—Member, *ex officio*;

(*6*) Principal Secretary in-charge of the Forest Department in a State shall be Member Secretary of the State Authority in such State.

(*7*) The State Government shall appoint an officer of the rank not below the rank of a Chief Conservator of Forests as the Chief Executive Officer of the State Authority who shall be the Member-Secretary of the steering committee and the executive committee of the State Authority.

Steering committee and executive committee of State Authority.

11. (*1*) The governing body of the State Authority shall, in performance of its functions and powers under the Act, be assisted by the steering committee and the executive committee.

(*2*) The steering committee of a State Authority shall consist of the following, namely:—

(*i*) Chief Secretary—Chairperson, *ex officio*;

(*ii*) Principal Secretaries of the Departments dealing with Forests, Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*iii*) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;

(*iv*) Chief Wildlife Warden—Member, *ex officio*;

69 of 1980.

(*v*) Nodal Officer, the Forest (Conservation) Act, 1980—Member, *ex officio*;

(*vi*) Head of the concerned regional office of the Ministry of Environment, Forest and Climate Change—Member, *ex officio;*

(*vii*) Nodal Officer, State Forest Development Agency—Member, *ex officio;*

(*viii*) an expert on tribal matters or a representative of tribal communities to be appointed by the State Government—Member;

(*ix*) Chief Executive Officer, State Authority—Member-Secretary.

(*3*) The executive committee of a State Authority shall consist of the following, namely:—

(*i*) Principal Chief Conservator of Forests (Head of Forest Force)—Chairperson, *ex officio*;

(*ii*) Chief Wildlife Warden—Member, *ex officio*;

(*iii*) an officer not below the rank of a Chief Conservator of Forests dealing with forest and wildlife related schemes—Member, *ex officio;*

(*iv*) an officer not below the rank of a Chief Conservator of Forests dealing with forestry research—Member, *ex officio*;

(*v*) Nodal Officer, State Forest Development Agency—Member, *ex officio;*

(*vi*) a representative each of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*vii*) Financial Controller or Financial Adviser, to be nominated by the Finance Department—Member, *ex officio;*

(*viii*) two eminent non- government organisations to be appointed by the State Government—Members;

(*ix*) two representatives of district level Panchayati Raj Institutions to be appointed by the State Government—Members;

(*x*) an expert on tribal matters or a representative of tribal community to be appointed by the State Government—Member;

(*xi*) Chief Executive Officer, State Authority—Member-Secretary.

(*4*) The State Authority may appoint the following officers for a period not exceeding five years, to assist the steering committee and executive committee in performance of its functions under the Act, namely:—

(*i*) Joint Chief Executive Officer of the rank not below the rank of a Conservator of Forests;

(*ii*) Financial Advisor and Chief Accounts Officer of the rank not below the rank of a Deputy Secretary in the State Government;

(*iii*) Deputy Chief Executive Officer of the rank not below the rank of a Deputy Conservator of Forests.

(*5*) The governing body of the State Authority may with the prior concurrence of the State Government create posts in the State Authority at the level of Assistant Conservator of Forests and other officials to assist the steering committee and executive committee in performance of its functions under the Act.

Term of office and conditions of service of members.

12. Save as otherwise provided in this Act, the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority shall be such as may be prescribed.

Disqualifications.

13. A person shall be disqualified for being appointed as a member of the National Authority, executive committee of the National Authority, a State Authority, steering committee and executive committee of a State Authority, monitoring group, if he—

(*i*) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*ii*) is an undischarged insolvent; or

(*iii*) is of unsound mind and stands so declared by the competent court; or

(*iv*) has been removed or dismissed from the service of the Government or organisation or undertaking owned by the Government; or

(*v*) has, in the opinion of the Central Government, such financial or other interest in the National Authority or the concerned State Authority as is likely to affect the duties discharged by him of his function as a member.

CHAPTER IV

POWERS AND FUNCTIONS OF NATIONAL AUTHORITY AND STATE AUTHORITIES

Powers and functions of National Authority.

14. (*1*) The governing body of the National Authority shall—

(*i*) formulate broad policy framework for functioning of the National Authority and State Authorities as may be notified by the Central Government;

(*ii*) approve the annual report and audited accounts of the National Authority;

(*iii*) review reports on decision taken by executive committee and monitoring group of the National Authority including investment decisions;

(*iv*) approve the proposal for the schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*v*) approve the proposals for creation of posts in the National Authority, subject to prior permission of the Central Government;

(*vi*) provide a mechanism to State Authorities to resolve issues of inter-State or Centre-State character;

(*vii*) formulate such procedures for delegation of financial and administrative powers to the National Authority and State Authorities as may be notified by the Central Government.

(*2*) The governing body of the National Authority shall meet at least once in six months.

(*3*) The governing body and executive committee of the National Authority and the monitoring group of the National Authority shall meet at such places and shall observe such rules and procedures in regard to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

Powers and functions of executive committee of National Authority.

15. (*1*) The executive committee of the National Authority shall—

(*i*) approve within three months from the date of receipt, annual plan of operations of State Authorities, with such amendments as it deems fit and proper;

(*ii*) formulate proposals for schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*iii*) execute schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*iv*) deploy staff on contract or on deputation basis to the posts in the National Authority;

(*v*) formulate proposals for creation of posts in the National Authority at the level of Assistant Inspector General of Forests and other officers;

(*vi*) invest surplus amounts available in the National Fund;

(*vii*) execute other day-to-day work in respect of receipt of amounts in the National Fund;

(*viii*) maintain books of account and such other records;

(*ix*) facilitate scientific, technological and other assistance that may be required by State Authorities;

(*x*) present its decisions to the governing body of the National Authority for information;

(*xi*) maintain and update a public information system on the National Authority and present all information on its transaction in the public domain;

(*xii*) undertake any other work as may be assigned by the governing body of the National Authority or the Central Government, from time to time.

(*2*) The executive committee of the National Authority shall meet at least once in every three months.

Functions of monitoring group.

16. (*1*) The monitoring group shall—

(*i*) evolve independent system for concurrent monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities to ensure effective and proper utilisation of funds by utilising the services of the regional offices, of the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided that the Central Government may also undertake third party monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities through individual and institutional experts including remote sensing agencies;

(*ii*) inspect and undertake financial audit of works executed by utilising the funds released by the National Authority and State Authorities in the State and Union territories;

(*iii*) devise measures for transparency and accountability.

(*2*) The monitoring group shall meet at least once in three months.

Powers and functions of State Authority.

17. (*1*) The governing body of a State Authority shall—

(*i*) lay down the broad policy framework for the functioning of such State Authority within the overall framework notified by the Central Government on the recommendations of the National Authority;

(*ii*) review the working of the State Authority from time to time.

(*2*) The governing body of a State Authority shall meet at least once in six months.

(*3*) The governing body, steering committee and executive committee of a State Authority shall meet at such places and shall observe such rules and procedures in regards to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

Powers and functions of steering committee of State Authority.

18. (*1*) The steering committee of a State Authority shall—

(*i*) scrutinise and approve with such amendments as it may deems fit and proper the annual plan of operations prepared by the executive committee of such State Authority and send the same to the executive committee of the National Authority for final approval;

(*ii*) monitor the progress of the utilisation of funds released from the State Fund;

(*iii*) review reports on decision taken by executive committee including investment decisions;

(*iv*) approve, subject to prior concurrence of the State Government, proposals formulated by the executive committee for creation of posts in the State Authority;

(*v*) approve annual report of the State Authority and send the same to the State Government to lay it, each year, in each House of the State Legislature;

(*vi*) ensure inter-departmental coordination.

(*2*) The steering committee of a State Authority shall meet at least once in every three months.

Functions and powers of executive committee of State Authority.

19. (*1*) The executive committee of a State Authority shall—

(*i*) formulate and submit annual plan of operations to the steering committee of the State Authority for its concurrence;

(*ii*) undertake qualitative and quantitative supervision, monitoring and evaluation of the works being implemented from amounts available in the State Fund;

(*iii*) invest surplus amounts available in the State Fund of such State;

(*iv*) maintain books of account and other records;

(*v*) submit reports to the steering committee of the State Authority;

(*vi*) prepare annual report of the State Authority;

(*vii*) deploy staff on contractual basis or on deputation to the posts in the State Authority;

(*viii*) formulate proposals for creation of posts in the State Authority;

(*ix*) be responsible for delegation of financial or administrative powers;

(*x*) be responsible for other day-to-day working in respect of the State Authority;

(*xi*) maintain and update public information system on the State Authority and present all information on its transaction in the public domain;

(*xii*) undertake any other work as may be assigned by the governing body or steering committee of the State Authority or the State Government, from time to time.

(*2*) The executive committee of a State Authority shall meet at least once in every three months.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

Budget of National Authority.

20. (*1*) The National Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the National Authority and forward the same to the Central Government, in such form and at such time in each financial year as may be prescribed.

(*2*) The National Authority, shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority as may be prescribed.

Investment of funds by National Authority.

21. The National Authority may invest its funds, including any reserve fund, in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Provided that the grants received from the Central Government shall not be invested and shall be utilised for the purposes and in the manner attached to it.

Accounts and audit of National Authority.

22. (*1*) The National Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the National Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Authority to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the National Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the National Authority.

(*4*) The accounts of the National Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the National Authority.

(*5*) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of the all monies collected by the State Governments and Union territory Administrations, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and submit the report to the Central Government under this section.

(*6*) The Central Government shall have the power to conduct the special audit or performance audit of the National Fund and of the National Authority through the Comptroller and Auditor- General.

Annual report of National Authority.

23. (*1*) The National Authority shall prepare, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government, in such form and at such time, for each financial year, as may be prescribed.

(*2*) The annual report shall, *inter alia*, provide for—

(*i*) the summary of monitoring and evaluation of activities undertaken from amounts released from the National Fund and State Funds during the year;

(*ii*) the summary of specific schemes specified in sub-clause (*iii*) of clause (*b*) of section 5 executed during the year;

(*iii*) the amount of money received and expended.

Annual report and audit report of National Authority to be laid before Parliament.

24. The Central Government shall cause the annual report and audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of Parliament.

Budget of State Authority.

25. (*1*) Each State Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the State Authority and forward the same to the State Government, in such form and at such time, in each financial year, as may be prescribed.

(*2*) Each State Authority shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authority as may be prescribed.

Investment of funds by State Authority.

26. State Authority may invest funds available in the State Fund of such State in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Provided that the grants received from the State Government shall not be invested and shall be utilised for the purpose and in the manner prescribed.

Accounts and audit of State Authority.

27. (*1*) Each State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of each State Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the State Authority.

(*4*) The Accounts of the State Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the State Government by the State Authority.

(*5*) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of all the monies which have been transferred by the *ad hoc* Authority to the State Compensatory Afforestation Fund Management and Planning Authorities constituted in the States in compliance of guidelines dated the 2nd July, 2009 and submit the report to the State Government under this section.

(*6*) The Central Government and the State Government concerned shall have the power to conduct the special audit or performance audit of the State Fund and of the State Authority through the Comptroller and Auditor-General.

Annual report of State Authority.

28. (*1*) Each State Authority shall prepare its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the concerned State Government, in such form and at such time, for each financial year, as may be prescribed.

(*2*) The annual report of a State Authority shall, *inter alia*, provide for—

(*i*) the number and location of each reforestation, afforestation and conservation activity subject to the requirement of this section;

(*ii*) the amount and location of lands in hectares, cleared, conserved and planted in connection with the activity; and

(*iii*) the amount of afforestation money collected and expended.

29. The State Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of the State Legislature:

Annual report and audit report of State Authority to be laid before State Legislature.

Provided that in case of a Union territory having no legislature, the Central Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as so on as may be after the reports are received before each House of the Parliament.

CHAPTER VI

MISCELLANEOUS

30. (*1*) The Central Government in consultation with the State Governments may, after previous publication, make rules for carrying out the purposes of this Act.

Power to make rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the management of the National Fund by the National Authority under sub-section (*2*) of section 3;

(*b*) the management of State Fund by the State Authorities under sub-section (*2*) of section 4;

(*c*) the manner of using the money for purposes specified in clause (*b*) of section 6;

(*d*) the manner of utilising the money for purposes specified in clause (*c*) of section 6;

(*e*) the manner of payment of the salary and allowances payable to the officers and other employees of the State Authority under clause (*f*) of section 6;

(*f*) the accounting procedure regulating the manner of crediting the monies to the National Fund and State Funds under section 7;

(*g*) the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority under section 12;

(*h*) the rules and procedures in respect of the transaction of business of the governing body and executive committee of the National Authority and monitoring group of the National Authority and the place of meeting, including the quorum under sub-section (*3*) of section 14;

(*i*) the rules and procedures in respect of the transaction of business of the governing body, steering committee and executive committee of a State Authority and the place of meeting, including the quorum under sub-section (*3*) of section 17;

(*j*) the preparation of the budget of the National Authority under sub-section (*1*) of section 20;

(*k*) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority under sub-section (*2*) of section 20;

(*l*) the investment of the funds of the National Authority under section 21;

(*m*) the maintenance of the accounts and other relevant records and preparation of an annual statement of accounts by the National Authority under sub-section (*1*) of section 22;

(*n*) the preparation of the annual report by the National Authority under sub-section (*1*) of section 23;

(*o*) the preparation of the budget of the State Authority under sub-section (*1*) of section 25;

(*p*) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authorities under sub-section (*2*) of section 25;

(*q*) the investment of funds by the State Authorities under section 26;

(*r*) the maintenance of the accounts and other relevant records and preparation of annual statement of accounts by each State Authority under sub-section (*1*) of section 27;

(*s*) the preparation of the annual report by the State Authorities under sub-section (*1*) of section 28; and

(*t*) any other matter which is required to be, or may be prescribed.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Transfer of assets, liabilities, etc.

31. (*1*) On and from the date of constitution of the National Authority—

(*i*) all the assets and liabilities of the *ad hoc* Authority shall stand transferred to, and vested in, the National Authority;

Explanation.—The assets of the *ad hoc* Authority shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the *ad hoc* Authority and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(*ii*) without prejudice to the provisions of clause (*i*), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the *ad hoc* Authority immediately before constitution of the National Authority, for or in connection with the purpose of the *ad hoc* Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the National Authority;

(*iii*) all sums of money due to the *ad hoc* Authority immediately before constitution of the National Authority shall be due to the National Authority;

(*iv*) all suits and legal proceedings instituted or which could have been instituted by or against the *ad hoc* Authority may be continued or may be instituted by or against the National Compensatory Authority.

(*2*) On and from the date of constitution of a State Authority—

(*i*) all the assets and liabilities of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall stand transferred to, and vested in, the State Authority.

Explanation.—The assets of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(*ii*) without prejudice to the provisions of clause (*i*), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before this Act came into force, for or in connection with the purpose of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;

(*iii*) all sums of money due to the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before constitution of the State Authority shall be due to the State Authority;

(*iv*) all suits and legal proceedings instituted or which could have been instituted by or against the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 may be continued or may be instituted by or against the State Authority.

Validation.

32. (*1*) Notwithstanding anything contained in any judgment, decree or order of any court, the amount credited to the National Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of India within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by Parliament in this behalf.

(*2*) Notwithstanding anything contained in any judgment or order of any court, all the monies collected by the State Governments and the Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and the interest accrued thereon shall stand transferred to the National Fund.

(*3*) Notwithstanding anything contained in any judgment or any order of any court, the amount credited to the State Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of the State within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by the State Legislature in this behalf.

Power of Central Government to issue directions.

33. (*1*) The Central Government may, if it finds necessary or expedient in the public interest, issue such policy directives to the National Authority or any State Authority, in writing and such policy directives shall be binding upon the National Authority or the State Authority, as the case may be.

(*2*) The decision of the Central Government, whether a question is one of policy or not, shall be final.

The above Bill has been passed by the Houses of Parliament.

Dated the *Chairman.*

I assent to this Bill.

Dated the *President.*

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 405-E] रायपुर, शनिवार, दिनांक 5 नवम्बर 2016—— कार्तिक 14, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 5 नवम्बर 2016

क्रमांक 10631/डी. 238/21-अ/प्रा./छ. ग./16.—— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (71)/2014-L. I, F. No. 1 (62)/2010-L. I, F. No. 1 (9)/2015-L. I, F. No. 1 (45)/2016-L. I, F. No. 1 (26)/2016-L. I, F. No. 1 (34)/2015-L. I, F. No. 1 (45)/2015-L. I, F. No. 1 (2)/2009-L. I, F. No. 1 (55)/2016-L. I, नई दिल्ली, दिनांक 09-09-2016 एवं F. No. 1 (92)/2014-L. I, नई दिल्ली, दिनांक 23-09-2016 के अनुसरण में दि इंडियन मेडिकल कॉउंसिल (अमेंडमेंट) एक्ट, 2016 (क्रमांक 39 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
टी. सी. त्रिपाठी, उप-सचिव.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 2016

AN
ACT

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Medical Council (Amendment) Act, 2016.

(*2*) It shall be deemed to have come into force on 24th May, 2016.

102 of 1956.

Insertion of new section 10D.

2. After section 10C of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Uniform entrance examination for undergraduate and post-graduate level.

"10D. There shall be conducted a uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Medical College or in a private Medical College) where such State has not opted for such examination.".

Amendment of section 33.

3. In section 33 of the principal Act, after clause (*ma*), the following clause shall be inserted, namely:—

"(*mb*) the designated authority, other languages and the manner of conducting of uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level;".

Repeal and savings.

4. (*1*) The Indian Medical Council (Amendment) Ordinance, 2016 is hereby repealed.

Ord. 4 of 2016.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

102 of 1956.

The above Bill has been passed by the Houses of Parliament.

Dated the *Chairman.*

I assent to this Bill.

Dated the *President.*

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 405-F] रायपुर, शनिवार, दिनांक 5 नवम्बर 2016—— कार्तिक 14, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 5 नवम्बर 2016

क्रमांक 10631/डी. 238/21-अ/प्रा./छ. ग./16.—— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (71)/2014-L. I, F. No. 1 (62)/2010-L. I, F. No. 1 (9)/2015-L. I, F. No. 1 (45)/2016-L. I, F. No. 1 (26)/2016-L. I, F. No. 1 (34)/2015-L. I, F. No. 1 (45)/2015-L. I, F. No. 1 (2)/2009-L. I, F. No. 1 (55)/2016-L. I, नई दिल्ली, दिनांक 09-09-2016 एवं F. No. 1 (92)/2014-L. I, नई दिल्ली, दिनांक 23-09-2016 के अनुसरण में दि डेन्टिस्ट्स (अमेंडमेंट) एक्ट, 2016 (क्रमांक 40 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
टी. सी. त्रिपाठी, उप-सचिव.

THE DENTISTS (AMENDMENT) ACT, 2016

AN
ACT

further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Dentists (Amendment) Act, 2016. *Short title and commencement.*

(*2*) It shall be deemed to have come into force on 24th May, 2016.

16 of 1948. **2.** After section 10C of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— *Insertion of new section 10D.*

"10D. There shall be conducted a uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner: *Uniform entrance examination for undergraduate and post-graduate level.*

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination.".

Amendment of section 20.

3. In section 20 of the principal Act, after clause (*h*), the following clause shall be inserted, namely:—

"(*ha*) the designated authority, other languages and the manner of conducting of uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level;".

Repeal and savings.

4. (*1*) The Dentists (Amendment) Ordinance, 2016 is hereby repealed.

Ord. 5 of 2016.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Dentists Act, 1948 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

16 of 1948.

The above Bill has been passed by the Houses of Parliament.

Dated the *Chairman.*

I assent to this Bill.

Dated the *President.*

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 405-G] रायपुर, शनिवार, दिनांक 5 नवम्बर 2016—— कार्तिक 14, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 5 नवम्बर 2016

क्रमांक 10631/डी. 238/21-अ/प्रा./छ. ग./16.—— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (71)/2014-L. I, F. No. 1 (62)/2010-L. I, F. No. 1 (9)/2015-L. I, F. No. 1 (45)/2016-L. I, F. No. 1 (26)/2016-L. I, F. No. 1 (34)/2015-L. I, F. No. 1 (45)/2015-L. I, F. No. 1 (2)/2009-L. I, F. No. 1 (55)/2016-L. I, नई दिल्ली, दिनांक 09-09-2016 एवं F. No. 1 (92)/2014-L. I, नई दिल्ली, दिनांक 23-09-2016 के अनुसरण में दि इन्स्टीट्युट्स ऑफ टेक्नोलॉजी (अमेंडमेंट) एक्ट, 2016 (क्रमांक 41 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
टी. सी. त्रिपाठी, उप-सचिव.

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) ACT, 2016

AN
ACT

further to amend the Institutes of Technology Act, 1961.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Institutes of Technology (Amendment) Act, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

59 of 1961.

Amendment of section 2.

2. In the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words and brackets "and the Indian Institute of Technology (Banaras Hindu University), Varanasi", the words and brackets "the Indian Institute of Technology (Banaras Hindu University), Varanasi, the Indian Institute of Technology, Tirupati,

the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwad, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu and the Indian Institute of Technology (Indian School of Mines), Dhanbad" shall be substituted.

Amendment of section 3.

3. In section 3 of the principal Act,—

(*A*) in clause (*c*), after sub-clause (*xiii*), the following sub-clauses shall be inserted, namely:—

"(*xiv*) in relation to the society known as the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Tirupati;

(*xv*) in relation to the society known as the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Palakkad;

(*xvi*) in relation to the society known as the Indian Institute of Technology, Goa, the Indian Institute of Technology, Goa;

(*xvii*) in relation to the society known as the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Dharwad;

(*xviii*) in relation to the society known as the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Bhilai;

(*xix*) in relation to the society known as the Indian Institute of Technology, Jammu, the Indian Institute of Technology, Jammu;

(*xx*) in relation to the society known as the Indian School of Mines, Dhanbad, the Indian Institute of Technology (Indian School of Mines), Dhanbad.";

(*B*) after clause (*ga*), the following clause shall be inserted, namely:—

'(*gb*) "Indian School of Mines, Dhanbad" means the society known as the Indian School of Mines, Dhanbad;';

(*C*) in clause (*j*), after sub-clause (*xi*), the following sub-clauses shall be inserted, namely:—

"(*xii*) the Indian Institute of Technology, Tirupati;

(*xiii*) the Indian Institute of Technology, Palakkad;

(*xiv*) the Indian Institute of Technology, Goa;

(*xv*) the Indian Institute of Technology, Dharwad;

(*xvi*) the Indian Institute of Technology, Bhilai;

(*xvii*) the Indian Institute of Technology, Jammu;

(*xviii*) the Indian School of Mines, Dhanbad;".

Amendment of section 4.

4. In section 4 of the principal Act, after sub-section (*ID*), the following sub-section shall be inserted, namely:—

"(*IE*) The Indian School of Mines, Dhanbad shall, on such incorporation, be called the Indian Institute of Technology (Indian School of Mines), Dhanbad.".

Amendment of section 5.

5. In section 5 of the principal Act, after *Explanation* 2, the following *Explanation* shall be inserted, namely:—

"*Explanation* 3.—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwad, the Indian Institute of Technology, Bhilai,

the Indian Institute of Technology, Jammu, and the Indian Institute of Technology (Indian School of Mines) Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 comes into force.".

Amendment of section 38.

6. In section 38 of the principal Act,—

(*i*) after clause (*o*), the following clauses shall be inserted, namely:—

"(*p*) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharward, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu, are made under this Act, the Statutes and Ordinances of such Institutes, as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(*q*) the Executive Board, referred to in Rule 7 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad, under this Act, but on the constitution of a new Board under this Act, the Executive Board of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad is concerned;

(*r*) the Academic Council, referred to in Rule 9 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad under this Act, but on the constitution of a new Senate under this Act, the Academic Council of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad;

(*s*) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Roorkee immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall apply to the Indian Institute of Technology (Indian School of Mines), Dhanbad, with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(*t*) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2016, any student who joined classes of the Indian School of Mines, Dhanbad on or after the commencement of 2015-2016 academic session or completed the courses on or after 2015-2016 academic session shall for the purpose of clause (*b*) of sub-section (*1*) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology (Indian School of Mines), Dhanbad provided that such student has not already been awarded degree or diploma for the same course of study;

(*u*) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2016, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2016:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.";

(*b*) after *Explanation* 3, the following *Explanation* shall be inserted, namely:—

"*Explanation* 4.—The reference in clauses (*q*), (*r*) and (*s*) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 come into force.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 405-H] रायपुर, शनिवार, दिनांक 5 नवम्बर 2016—— कार्तिक 14, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 5 नवम्बर 2016

क्रमांक 10631/डी. 238/21-अ/प्रा./छ. ग./16.—— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (71)/2014-L. I, F. No. 1 (62)/2010-L. I, F. No. 1 (9)/2015-L. I, F. No. 1 (45)/2016-L. I, F. No. 1 (26)/2016-L. I, F. No. 1 (34)/2015-L. I, F. No. 1 (45)/2015-L. I, F. No. 1 (2)/2009-L. I, F. No. 1 (55)/2016-L. I, नई दिल्ली, दिनांक 09-09-2016 एवं F. No. 1 (92)/2014-L. I, नई दिल्ली, दिनांक 23-09-2016 के अनुसरण में दि नेशनल इन्स्टीट्युट्स ऑफ टेक्नोलॉजी साईंस एजुकेशन एण्ड रिसर्च (अमेंडमेंट) एक्ट, 2016 (क्रमांक 42 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
टी. सी. त्रिपाठी, उप-सचिव.

THE NATIONAL INSTITUTES OF TECHNOLOGY, SCIENCE EDUCATION AND RESEARCH (AMENDMENT) ACT, 2016

AN
ACT

further to amend the National Institutes of Technology, Science Education and Research Act, 2007.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Institutes of Technology, Science Education and Research (Amendment) Act, 2016.

(*2*) It shall be deemed to have come into force on the 20th day of August, 2015.

Amendment of First Schedule to Act 29 of 2007.

2. In the First Schedule to the National Institutes of Technology, Science Education and Research Act, 2007, afte. serial number 30, the following serial number and the entries relating thereto shall be inserted, namely:—

(1)	(2)	(3)
"31.	National Institute of Technology, Andhra Pradesh	National Institute of Technology, Andhra Pradesh.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 405-I] रायपुर, शनिवार, दिनांक 5 नवम्बर 2016—— कार्तिक 14, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 5 नवम्बर 2016

क्रमांक 10631/डी. 238/21-अ/प्रा./छ. ग./16.—— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (71)/2014-L. I, F. No. 1 (62)/2010-L. I, F. No. 1 (9)/2015-L. I, F. No. 1 (45)/2016-L. I, F. No. 1 (26)/2016-L. I, F. No. 1 (34)/2015-L. I, F. No. 1 (45)/2015-L. I, F. No. 1 (2)/2009-L. I, F. No. 1 (55)/2016-L. I, नई दिल्ली, दिनांक 09-09-2016 एवं F. No. 1 (92)/2014-L. I, नई दिल्ली, दिनांक 23-09-2016 के अनुसरण में दि बेनामी ट्रांन्जेकशन्स (प्रोहिबिशन) अमेंडमेंट एक्ट, 2016 (क्रमांक 43 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
टी. सी. त्रिपाठी, उप-सचिव.

THE BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT ACT, 2016

AN
ACT

further to amend the Benami Transactions (Prohibition) Act, 1988.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement

1. (*1*) This Act may be called the *Benami* Transactions (Prohibition) Amendment Act, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Insertion of new heading before section 1.

2. In the *Benami* Transactions (Prohibition) Act, 1988 (hereinafter referred to as the principal Act), before section 1, the following heading shall be inserted, namely:— 45 of 1988.

"CHAPTER I

PRELIMINARY."

Amendment of section 1.

3. In section 1 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) This Act may be called the Prohibition of *Benami* Property Transactions Act, 1988.". 45 of 1988.

Substitution of new section for section 2.

4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Definitions.

'2. In this Act, unless the context otherwise requires,—

(*1*) "Adjudicating Authority" means the Adjudicating Authority appointed under section 7;

(*2*) "Administrator" means an Income-tax Officer as defined in clause (*25*) of section 2 of the Income-tax Act, 1961; 43 of 1961.

(*3*) "Appellate Tribunal" means the Appellate Tribunal established under section 30;

(*4*) "Approving Authority" means an Additional Commissioner or a Joint Commissioner as defined in clauses (*1C*) and (*28C*) respectively of section 2 of the Income-tax Act, 1961; 43 of 1961.

(*5*) "attachment" means the prohibition of transfer, conversion, disposition or movement of property, by an order issued under this Act;

(*6*) "authority" means an authority referred to in sub-section (*1*) of section 18;

(*7*) "banking company" means a company to which the provisions of the Banking Regulation Act, 1949, applies and includes any bank or banking institution referred to in section 51 of that Act; 10 of 1949.

(*8*) "*benami* property" means any property which is the subject matter of a *benami* transaction and also includes the proceeds from such property;

(*9*) "*benami* transaction" means,—

(*A*) a transaction or an arrangement––

(*a*) where a property is transferred to, or is held by, a person, and the consideration for such property has been provided, or paid by, another person; and

(*b*) the property is held for the immediate or future benefit, direct or indirect, of the person who has provided the consideration,

except when the property is held by—

(*i*) a *Karta*, or a member of a Hindu undivided family, as the case may be, and the property is held for his benefit or benefit of other members in the family and the consideration for such property has been provided or paid out of the known sources of the Hindu undivided family;

(*ii*) a person standing in a fiduciary capacity for the benefit of another person towards whom he stands in such capacity and includes a trustee, executor, partner, director of a company, a depository or a participant as an agent of a depository under the Depositories Act, 1996 and any other person as may be notified by the Central Government for this purpose; 22 of 1996.

(*iii*) any person being an individual in the name of his spouse or in the name of any child of such individual and the consideration for such

property has been provided or paid out of the known sources of the individual;

(*iv*) any person in the name of his brother or sister or lineal ascendant or descendant, where the names of brother or sister or lineal ascendant or descendant and the individual appear as joint-owners in any document, and the consideration for such property has been provided or paid out of the known sources of the individual; or

(*B*) a transaction or an arrangement in respect of a property carried out or made in a fictitious name; or

(*C*) a transaction or an arrangement in respect of a property where the owner of the property is not aware of, or, denies knowledge of, such ownership;

(*D*) a transaction or an arrangement in respect of a property where the person providing the consideration is not traceable or is fictitious;

Explanation.—For the removal of doubts, it is hereby declared that *benami* transaction shall not include any transaction involving the allowing of possession of any property to be taken or retained in part performance of a contract referred to in section 53A of the Transfer of Property Act, 1882, if, under any law for the time being in force,—

4 of 1882.

(*i*) consideration for such property has been provided by the person to whom possession of property has been allowed but the person who has granted possession thereof continues to hold ownership of such property;

(*ii*) stamp duty on such transaction or arrangement has been paid; and

(*iii*) the contract has been registered.

(*10*) "*benamidar*" means a person or a fictitious person, as the case may be, in whose name the *benami* property is transferred or held and includes a person who lends his name;

(*11*) "Bench" means a Bench of the Adjudicating Authority or the Appellate Tribunal, as the case may be;

(*12*) "beneficial owner" means a person, whether his identity is known or not, for whose benefit the *benami* property is held by a *benamidar*;

(*13*) "Board" means the Central Board of Direct Taxes constituted under the Central Boards of Revenue Act, 1963;

54 of 1963.

(*14*) "director" shall have the same meaning as assigned to it in clause (*34*) of section 2 of the Companies Act, 2013;

18 of 2013.

(*15*) "executor" shall have the same meaning as assigned to it in clause (*c*) of section 2 of the Indian Succession Act, 1925;

39 of 1925.

(*16*) "fair market value", in relation to a property, means—

(*i*) the price that the property would ordinarily fetch on sale in the open market on the date of the transaction; and

(*ii*) where the price referred to in sub-clause (*i*) is not ascertainable, such price as may be determined in accordance with such manner as may be prescribed;

(*17*) "firm" shall have the same meaning as assigned to it in section 4 of the Indian Partnership Act, 1932 and shall include a limited liability partnership as defined in the Limited Liability Partnership Act, 2008;

9 of 1932.
6 of 2009.

(*18*) "High Court" means—

(*i*) the High Court within the jurisdiction of which the aggrieved party ordinarily resides or carries on business or personally works for gain; and

(*ii*) where the Government is the aggrieved party, the High Court within the jurisdiction of which the respondent, or in a case where there are more than one respondent, any of the respondents, ordinarily resides or carries on business or personally works for gain;

(*19*) "Initiating Officer" means an Assistant Commissioner or a Deputy Commissioner as defined in clauses (*9A*) and (*19A*) respectively of section 2 of the Income-tax Act, 1961; 43 of 1961.

(*20*) "Member" means the Chairperson or the Member of the Adjudicating Authority or the Appellate Tribunal, as the case may be;

(*21*) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(*22*) "partner" shall have the same meaning as assigned to it in section 4 of the Indian Partnership Act, 1932, and shall include,— 9 of 1932.

(*a*) any person who, being a minor, has been admitted to the benefits of partnership; and

(*b*) a partner of a limited liability partnership formed and registered under the Limited Liability Partnership Act, 2008; 6 of 2009.

(*23*) "partnership" shall have the same meaning as assigned to it in section 4 of the Indian Partnership Act, 1932, and shall include a limited liability partnership formed and registered under the Limited Liability Partnership Act, 2008; 9 of 1932. 6 of 2009.

(*24*) "person" shall include—

(*i*) an individual;

(*ii*) a Hindu undivided family;

(*iii*) a company;

(*iv*) a firm;

(*v*) an association of persons or a body of individuals, whether incorporated or not;

(*vi*) every artificial juridical person, not falling under sub-clauses (*i*) to (*v*);

(*25*) "prescribed" means prescribed by rules made under this Act;

(*26*) "property" means assets of any kind, whether movable or immovable, tangible or intangible, corporeal or incorporeal and includes any right or interest or legal documents or instruments evidencing title to or interest in the property and where the property is capable of conversion into some other form, then the property in the converted form and also includes the proceeds from the property;

(*27*) "public financial institution" shall have the same meaning as assigned to it in clause (*72*) of section 2 of the Companies Act, 2013; 18 of 2013.

(*28*) "Special Court" means a Court of Session designated as Special Court under sub-section (*1*) of section 50;

(*29*) "transfer" includes sale, purchase or any other form of transfer of right, title, possession or lien;

(*30*) "trustee" means the trustee as defined in the section 3 of the Indian Trusts Act, 1882; 2 of 1882.

(*31*) words and expressions used herein and not defined in this Act but defined in the Indian Trusts Act, 1882, the Indian Succession Act, 1925, the Indian Partnership Act, 1932, the Income-tax Act, 1961, the Depositories Act, 1996, the Prevention of Money-Laundering Act, 2002, the Limited Liability Partnership Act, 2008 and the Companies Act, 2013, shall have the same meanings respectively assigned to them in those Acts.'.

2 of 1882.
39 of 1925.
9 of 1932.
43 of 1961.
22 of 1996.
15 of 2003.
6 of 2009.
18 of 2013.